

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 7:16-CV-00372-BO


|                        |   |       |
|------------------------|---|-------|
| SARAH L. HEDGPETH,     | ) |       |
|                        | ) |       |
| Plaintiff,             | ) |       |
|                        | ) |       |
| v.                     | ) | ORDER |
|                        | ) |       |
| NANCY A. BERRYHILL,    | ) |       |
| Acting Commissioner of | ) |       |
| Social Security,       | ) |       |
|                        | ) |       |
| Defendant.             | ) |       |
| _____                  | ) |       |

Plaintiff's counsel filed a motion for approval of attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$20,811.50. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$6,000.00.

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 18,000., and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 25 day of February, 2019.

  
TERRENCE W. BOYLE  
Chief United States District Judge